

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

William Looney

v.

Case No. 09-cv-302-SM

Northern NH Correctional Facility


ORDER

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Muirhead dated November 30, 2009, for the reasons set forth therein. The petition is dismissed as untimely. Petitioner's Motion to Accept Habeas Corpus Petition Based on Newly Discovered Evidence (document no. 3) and Motion for Appointment of Counsel (document no. 6) are denied as moot.

Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

SO ORDERED.

December 18, 2009


Steven J. McAuliffe
Chief Judge

cc: William Looney, pro se